

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION

IN RE: )  
 )  
NEREIDA SERRANO, ) CASE NO. 07-21915  
 ) Chapter 13  
Debtor. )

ORDER REGARDING STATEMENT OF ATTORNEY FEES

\_\_\_\_\_ On August 11, 2008, a hearing was held with respect to the Statement of Attorney Fees filed by counsel for debtor on May 20, 2008. Included in the statement is an entry designating services performed as “Future preparation, execution and filing of Verified Motion to Obtain Chapter 13 Discharge”, for which 1.5 hours of time was stated, resulting in a billable amount of \$442.50. Obviously, the services designated by this entry have yet to be performed. 11 U.S.C. § 330(a)(1)(A) provides that compensation to be awarded is to be “reasonable compensation for actual, necessary services rendered...”. Fed.R.Bankr.P. 2016(a) provides that any entity, including the debtor’s counsel, who seeks compensation for services, or reimbursement of necessary expenses from the estate “shall file an application setting forth a detailed statement of (1) the services rendered...”(emphasis applied). The court’s approval of compensation to the debtor’s counsel is thus very clearly limited by applicable law to services which have actually been performed, and there is no provision in any applicable law which allows a present award of compensation for services which hypothetically may be performed in the future. The court uses the term “hypothetically” because the foregoing itemized services will not be performed until the debtor has completed all payments required under the plan, a circumstance which will not arise in a significant percentage of Chapter 13 cases in which a plan is confirmed. The scenario envisioned by this application thus allows a debtor’s counsel to be compensated for services which may never be rendered, and in addition precludes any meaningful review of the reasonable value of those services as they are in fact rendered at the conclusion of the case.

The court determines that the request for compensation in the Statement will be granted, with the exception of the foregoing prospective item.

IT IS ORDERED that compensation is allowable to the debtor's counsel for services rendered up to and including confirmation of the plan— including necessary review of claims— in the amount of \$3421.25.

Dated at Hammond, Indiana on August 21, 2008.

/s/ J. Philip Klingeberger  
J. Philip Klingeberger, Judge  
United States Bankruptcy Court

Distribution:  
Debtor, Attorney for Debtor  
Trustee, US Trustee